

DOCKET NO. 50-03-010 (EDSC01-50031)
SERIAL NO. 10/727,417
PATENT

REMARKS

Claims 1-20 are pending in the application.

Claims 1-20 have been rejected.

Reconsideration of the claims is respectfully requested.

I. CLAIM REJECTION UNDER 35 U.S.C. §102

Claims 1-3, 8, 9 and 10 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0143450 to *Vidali*, hereinafter "*Vidali*". This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131, p. 2100-67 (8th ed., rev. 5, August 2006) (*citing In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990)). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. *Id.* (*citing Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987)).

Vidali discusses real estate transactions, but otherwise has little to do with the present claims.

Vidali does not teach or suggest presenting to a consumer a plurality of online consumer layer property conveyancing software applications using a messaging hub web browser associated with a gateway, as in claims 1, 11, and 19. *Vidali* does not include a plurality of consumer layer property

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conveyancing software applications. Vidali doesn't even mention a gateway or a hub. Vidali does not meet the limitations of the claims.

The Examiner responds by alleging that equivalent features, using different terms, are described in Vidali's paragraphs 0050-0051. The Examiner is incorrect:

[0050] As shown in FIG. 1B, a real estate transaction management system 100 connects real estate buyers and sellers 102 with real estate agents 104 and other service providers 106 by allowing the parties to communicate and collaborate through a single transaction platform, specifically the transaction management system 100. The transaction management system 100, as shown in FIG. 2, connects a plurality of remote computers 110 using an interactive network 114, such as the Internet. The system 100 comprises a central computer known as a server 112 and a plurality of databases 108 containing information which may be selectively accessed by the server 112 and provided to the remote computers 110 over the Internet 114. The plurality of databases 108 may include, for example, a listings database containing information about a plurality of properties for sale and a transactions database containing information about a plurality of real estate transactions and a plurality of parties to the plurality of real estate transactions.

[0051] The server 112 executes software stored in the databases 108 and thereby provides a plurality of electronic workspaces within the transaction management system 100. The electronic workspaces are accessed using the remote computers 110 connected to the server 112 via the Internet 114. The electronic workspaces include agent workspaces 200, buyer workspaces 300, seller workspaces 400, and service provider workspaces 500. The term workspace as used herein refers to an individualized website having multiple web pages and designed for a particular user of the transaction management system. Each workspace allows a respective party to a real estate transaction to selectively access information contained within the databases 108 relevant to that party. Each workspace also allows the parties to communicate information to the workspaces of other transaction parties.

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Vidali describes a network system with "individualized websites" and a "plurality of databases". It does not teach or suggest consumer a plurality of online consumer layer property conveyancing software applications. It does not teach allowing tailored access to those online consumer layer property conveyancing software applications.

The Examiner alleges that Vidali teaches such applications in Figures 1b and 7, but is incorrect in this instance as well. There is no plurality of software applications at all, but rather there appear to be some standard database and messaging functions. The only property conveyancing function at all appears to be receiving a loan application.

Vidali does not teach or suggest a messaging hub. As described in the specification, a messaging hub provides an interface with certifying authority for electronic signatures, transaction chain monitoring faculty and a system access security module. In addition, a messaging hub interfaces multiple channels.

The Examiner argues that one of skill in the art would recognize that a web browser is being used, though Applicant has already noted that it is fair to infer the use of a browser. Nothing in Vidali teaches or suggests a messaging hub web browser, as claimed and described in the specification, or that the browser allows tailored access to a plurality of on-line consumer layer property conveyancing software applications, as claimed.

Vidali does not teach or suggest adaptably channeling a plurality of on-line service provider layer property conveyancing software applications from associated software service providers to said gateway according to selections relating to said intended use of said on-line consumer layer property

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conveyancing software applications, as claimed. Nothing in Vidali mentions a gateway or this specific interaction with a gateway.

The Examiner responds that these are shown in Figures 1B and 7, as well. Fig. 1B shows transaction service providers 106 that can send multiple messages to a number of other transaction parties using a number of different communications platforms. This messaging, of course, are not a plurality of on-line service provider layer property conveyancing software applications, as claimed. Figure 7 shows an exemplary contact website, describes as providing contact information for various parties. Again, there is no plurality of on-line service provider layer property conveyancing software applications from associated software service providers, as claimed.

Vidali does not teach or suggest interfacing a plurality of on-line service provider layer property conveyancing software applications with a plurality of back-end management software applications serving back-office service providers, as claimed. Vidali certainly does not teach or suggest both on-line service provider layer and consumer layer property conveyancing software applications, as claimed.

The Examiner states that "a web based application inherently has a web server", which is generally, true, but then also says that the web based application inherently has "back-end management software applications service back-office service providers" (or equates this with a web server). This is not correct, and the Examiner is requested to provide evidentiary support for this allegation.

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With regard to claim 2, Vidali does mention a loan application, and even mentions plural lenders. Vidali does not teach or suggest linking a plurality of lenders amongst one another for electronically modifying later-generated loan documentation from a first lender with information associated with earlier-generated loan documentation, as claimed.

With regard to claim 3, Vidali does not teach or suggest controlling the degree of adaptation and interface complexity associated with the on-line service provider layer property conveyancing software applications for directing validated employee information into a plurality of back-office management software applications, as claimed. Vidali doesn't consider or mention degree of adaptation and interface complexity at all.

With regard to claim 9, Vidali doesn't even mention financial advisors or conveyancing solicitors, as claimed.

Other claims include similar limitations, and distinguish for similar reasons.

Applicant would typically engage in a detailed analysis of the relevant teachings of the reference, but in this case, there is simply no mention at all in the reference of several claim features, and it is impossible to analyze teachings that are not present at all. Even on appeal, all Applicant can do is indicate the limitations that are not taught by the art, and demonstrate that they certainly are not taught in any specific passages noted by the Examiner. It is the Examiner's burden to show the relevant teachings in the art, and where he fails to do so – or is incorrect in his attempt to do so – Applicant can only note the error and allow it to be corrected by the Board.

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Accordingly, the Applicant respectfully requests the Examiner to withdraw the § 102 rejection with respect to these claims.

II. CLAIM REJECTION UNDER 35 U.S.C. § 103

Claims 4-7 and 14-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Vidali reference in view of U.S. Patent Application Publication No. 2004/0064408 to *Dreyer, et al.*, hereinafter "Dreyer". The Applicant respectfully traverses the rejection.

In rejecting claims under 35 U.S.C. § 103(a), the examiner bears the initial burden of establishing a *prima facie* case of obviousness. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 USPQ2d 1443, 1444 (Fed. Cir. 1992). See also *In re Piasecki*, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984)). It is incumbent upon the examiner to establish a factual basis to support the legal conclusion of obviousness. (*Id.* at 1073, 5 USPQ2d at 1598). In so doing, the examiner is expected to make the factual determinations set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 17, 148 USPQ 459, 467 (1966), viz., (1) the scope and content of the prior art; (2) the differences between the prior art and the claims at issue; and (3) the level of ordinary skill in the art. In addition to these factual determinations, the examiner must also provide "some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness." (*In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir 2006) (cited with approval in *KSR Int'l v. Teleflex Inc.*, 127 S. Ct. 1727, 1741, 82 USPQ2d 1385, 1396 (2007)).

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Absent such a *prima facie* case, the applicant is under no obligation to produce evidence of nonobviousness. MPEP § 2142, p. 2100-125 (8th ed. rev. 5, August 2006). To establish a *prima facie* case of obviousness, three basic criteria must be met: *Id.* First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. *Id.* Second, there must be a reasonable expectation of success. *Id.* Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *Id.* The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *Id.*

Claim limitations discussed above with regard to Vidali and the parent independent claims are similarly not taught or suggested by Dyer, and so no combination of Dyer and Vidali can teach or suggest these claim limitations. The arguments above are incorporated herein by reference, and by distinguishing the parent claims over the cited references, all dependent claims similarly distinguish.

Accordingly, the Applicant respectfully requests the Examiner to withdraw the § 103 rejection with respect to these claims.

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CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining claims in the Application are in condition for allowance, and respectfully requests that this Application be passed to issue.

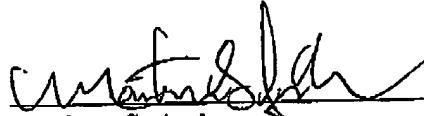
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *manderson@munchbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 05-0765.

Respectfully submitted,

MUNCK BUTRUS CARTER P.C.

Date: 04/08/08


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